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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,536	11/28/2003	Yoichi Yamada	723-1455	8321
27562	7590	11/29/2006	EXAMINER	
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				BANTA, TRAVIS R
ART UNIT		PAPER NUMBER		
3714				

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,536	YAMADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Travis R. Banta	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/28/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyamoto et al. US(6,132,315).

1. Regarding claim 1, Miyamoto et al. US(6,132,315) discloses a gaming system able to use a different game cartridges, the gaming system comprised of at least 2 game units, able to mutually share backup data between various elements of itself and the gaming cartridges (See column 1 lines 6-8). Miyamoto et al. ('315) discloses a data storage memory for storing a first game program and a second game program (see column 2 lines 51, 53-54, 62-63) as well as read/write backup data storage memory from either of the first or second game programs (see column 2 lines 37-39, 51-52, 58-60). Miyamoto et al. ('315) continues to disclose a controller that is used to start a game and control the progress of the game (see column 3 lines 43-47 and Figure 4-24). Miyamoto et al. ('315) teaches a condition detector in the form of a processor to detect for a predetermined condition in the form of the correct input (see column 15-38-40). A memory write controller is disclosed which writes backup data from the controller

selected game to another game after the predetermined condition is determined to be correct (see column 15 lines 44-50).

2. Regarding claim 2, Miyamoto et al. US(6,132,315) teaches a memory write controller in the form of a processor (see Figure 1-21) which writes in response to a predetermined condition (whether in a backup data update or not), condition accomplishment to the backup data storage of one game and writes to the backup data storage of a second game (see column 15 lines 3-15).

3. Regarding claim 3, Miyamoto et al. US(6,132,315) discloses a memory write controller in the form of a processor (see Figure 1-21) which writes in response to a predetermined condition (inputting the expected cartridge), condition accomplishment to the backup data storage of one game and writes change generation (e.g. captured character codes, captured character basis capability data, etc) to the backup memory of another game (see column 15 lines 29-50).

4. Regarding claim 4, Miyamoto et al. US(6,132,315) teaches that the memory write controller writes change generation in the progress of the game such as captured character codes, captured character basis capability data, and others after the accomplishment of the predetermined condition (input of the expected cartridge). The accomplishment information is written to the correct game machine and the change generation is written to the backup data storing area of game machine 2 and the backup data storage of the cartridge via at least one write to game machine 1 (see column 15 lines 29-50).

Art Unit: 3714

5. Regarding claim 5, Miyamoto et al. US(6,132,315) teaches a processor for determining accomplishment of a predetermined condition (see Figure 1-21) and allows the game to proceed and effect changes in the generation information. After a check of the first condition detector to see that the cartridge is input correctly, a second condition detector/memory write controller in the form of the processor checks a second controller for the input of the correct cartridge in another game is accomplished. The processor then writes the accomplishment information as backup data. After both detectors are set, the game writes the game progress information to the backup data of the game (see column 15 lines 29-50, 51-62).

6. Regarding claim 6, Miyamoto et al. US(6,132,315) teaches the processor writes game progress information to the backup data of at least two games after the second condition detector determines there is or is not another player in the other game (see column 15 lines 44-50 and 51-62).

7. Regarding claim 7, Miyamoto et al. US(6,132,315) discloses a read/write backup data storage memory which can mutually store backup data for one or all of the plurality of games relating to a first game program and a second game program. The processor is also capable of writing backup data to the shared memory (see column 15:29-50 and Figure 1-26).

8. Regarding claim 8, Miyamoto et al. US(6,132,315) teaches a game apparatus that allows for a game player to play several different games comprised of at least a method for mutually sharing backup data between games, a processor with associated memory storing areas for storing backup data (see Figure 1-21,15b,25b,26). The

processor determines the completion status of a predetermined condition in any of the started games and writes information concerning the accomplished condition to the backup data of a started game and the backup data of the other game that is waiting for completion of the predetermined condition to start (see column 15 lines 29-50).

9. Regarding claim 9, Miyamoto et al. US(6,132,315) discloses a gaming system backup writing control method that allows an operator to play many games each having an ability to mutually share backup data (see column 1 lines 3-15). The gaming system is disclosed to be comprised of at least a memory for storing information from the games (see Figure 1-15b, 25b,26) and a backup writing control method comprising at least the completion status of a predetermined condition accomplished during the progress of any of the started games (see column 15 lines 38-40). The backup writing controller after determining the accomplishment of a predetermined condition writes related information to the backup data of the first started game and the memory of at least another game that has not been started (see column 15 lines 40-60).

10. Regarding claim 10, Miyamoto et al. US(6,132,315) discloses a game system that uses many games and is able to mutually share backup data from each of the games (see column 1 lines 3-15) comprised of a game program storage memory for storage of a first and second game program (see column 2 lines 51, 53-54. 62-63), a read/write first and second backup data storage areas for corresponding first and second game programs (see column 2 lines 37-39, 51-52,58-60), a game controller to start the game, select a game and controlling game progress (see column 3 lines 43-47 and Figure 4-24), a processor to detect predetermined conditions accomplished during

the progress of the game (see column 15 lines 38-40), a processor for controlling a memory write upon completion of a predetermined condition to the backup data storage (see Figure 1-11 and column 15 lines 32-33), a second condition detector in processing to determine if a condition is accomplished in another game that was not selected by the controller after determination by the first condition detector that a predetermined condition was accomplished (see Figure 1-12 and column 15 lines 40-44), a second write controller to write changes in game progress information into the backup memory storage of the game when it is determined that the predetermined condition is accomplished as flagged by the second condition detector (see Figure 1-12 and column 4 lines 41-49).

11. Regarding claim 11, Miyamoto et al. US(6,132,315) teaches a game apparatus which uses many games and mutually shares backup data (see column 1 lines 3-15) comprising a data storage memory associated with a first and second game program, two read/write backup data memories for storing data associated with a first and second game program (see column 2 lines 51, 53-54, 62-63) and a memory write controller to write backup data to both of the game programs (see column 12 lines 9-12).

12. Regarding claim 12, Miyamoto et al. US(6,132,315) teaches a game controller that instructs game play by selecting a first game program and controls progress of a second game (see column 9 lines 60-65 and column 10 lines 31-36) and a processor as a condition detector to determine the accomplishment of a predetermined condition during the progress of the controller selected game. A write controller writes information relating to the predetermined condition to shared backup data storing areas after the

processor determines accomplishment of the predetermined condition (see column 11 lines 7-19).

13. Regarding claim 13, Miyamoto et al. US(6,132,315) discloses a game apparatus that enables an operator to play a plurality of games which mutually share backup data (see column 1 lines 3-15) comprising at least a computer readable data storage that stores game information (see Figure 1-21,22,26), a controller (see figure 4-24) and a processor (see Figure 1-21). Miyamoto et al. ('315) also discloses a data storage allocating memory for a first and second game program (see column 2 lines 51-53-54, 62-63), a first and second backup data storage associated with the first and second game program memory (see column 2 lines 37-39, 51-52,58-60),and a computer program product on the computer readable storage medium (see figure 1-21-22,26). It is inherent that memory would hold instructions for a processor (see column 4 lines 41-50) to determine the accomplishment of a predetermined condition during game progress of a first game program and/or a second game program started by the controller (see column 3 lines 43-47).

14. Regarding claim 14, Miyamoto et al. US(6,132,315) teaches a game apparatus that enables a player to play a plurality of games which mutually share backup data with each game including a controller (see Figure 4-24), and a game processor (see Figure 1-21) (see also column 1 lines 3-15). The game apparatus is comprised of at least a first and second game program memory (see column 2 lines 51, 53-54,62-63), a read/write first and second backup data storage associated with the first and second game program (see column 2 lines 37-39,51-52,58-60) and a write controller for writing

to a shared backup data memory used by both the first game program and the second game program (see column 4 lines 16-27).

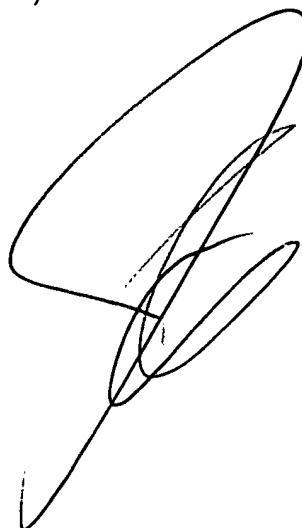
***Citation of Pertinent Prior Art***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. **Himoto et al. US(6,786,826) teaches a gaming apparatus comprised of two gaming systems where predetermined conditions determine game progress and memory information using at least memory storage, backup storage, at least one player controller, and at least one memory write controller in an effort to provide an ability to affect the state of a subgame and main game.**
17. **Okada et al. US(5,184,830) discloses a gaming machine using cartridge memory packs having a controller and memory storage.**
18. **Himoto et al. US(6,267,673) discloses a video game system whereby the state of a following game level is dependent on the manner (character control features, animation, etc) of entering that level from the previous level.**
19. **Eguchi et al. US(6,951,516) teaches a video game system using various character features to affect other player's video game system and playing experience thereby sharing program memory between players.**

***Conclusion***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB



John Hotaling  
SPE 3714